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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/079,066

02/20/2002

Kevin P. Cowan

VI/01-006

5110

21140

7590

08/13/2004

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EXAMINER

DUNWOODY, AARON M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/079,066

**Applicant(s)**

COWAN ET AL.

**Examiner**

Aaron M Dunwoody

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 1-27, 30, 31, 40-45, 49-52 and 57-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28, 29, 32-39, 46-48 and 53-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/4/2003, 2/17/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 1-27, 30, 31, 40-45, 49-52, 57-90 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/13/2004.

Applicant's election with traverse of the invention elected in the reply filed on 5/13/2004 is acknowledged. The traversal has no the ground(s).

The requirement is still deemed proper and is therefore made FINAL.

### ***Priority***

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. ***Information Disclosure Statement***

The information disclosure statements (IDS) filed 9/4/2003 and 2/17/2004 are being considered by the examiner.

### ***Specification***

The abstract of the disclosure is objected to because the abstract is drawn to a syringe and not the elected species of a connector. Correction is required. See MPEP § 608.01(b).

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28, 29, 32-39, 46-48 and 53-56 are rejected under 35

U.S.C. 102(b) as being anticipated by US patent 4969879, Lichte.

In regards to claim 28, Lichte discloses a connector for use with a tapered fitting assembly having at least one attachment member, the connector comprising:

a cooperating tapered fitting (38);

at least one port (310) in fluid connection with the cooperating tapered fitting; and

a cooperating attachment member (240) attached to the cooperating fitting to engage the attachment member of the tapered fitting assembly, a predetermined level of force being required to cause the cooperating attaching elements to form a cooperating connection with the at least one attachment member of the tapered fitting assembly.

In regards to claim 29, Lichte discloses the cooperating attachment member engaging the attachment member via relative axial motion of the cooperating tapered fitting and the fitting assembly.

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In regards to claim 32, Lichte discloses the cooperating attachment member comprising at least one axially extending arm (266) having at least one radially inward extending flange (282) projecting therefrom.

In regards to claim 33, Lichte discloses the cooperating attachment member comprising a plurality of extending arms, each of the arms having at least one radially inward extending flange projecting therefrom.

In regards to claim 34, Lichte discloses the flanges of the arms being biased radially inward in connection with the attachment member of the tapered fitting assembly when the connector and the fitting assembly are engaged.

In regards to claim 35, Lichte discloses the arms being resilient, flexing arms and being biased radially inward by a bending moment.

In regards to claim 36, Lichte discloses the arms being biased radially inward by a locking member (270, 272) attached to the connector.

In regards to claim 37, Lichte discloses the connector further comprising a biasing member to provide axially oriented force directed to retain the tapered fitting assembly and the cooperating tapered fitting of the connector in sealing engagement.

In regards to claim 38, Lichte discloses the biasing member comprising at least one resilient spring arm in operating connection with the cooperating tapered fitting.

In regards to claim 39, Lichte discloses the biasing member comprising a plurality of resilient spring arms in operating connection with the cooperating tapered fitting.

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In regards to claim 46, Lichte discloses a connector for use with a tapered fitting assembly having at least one attachment member, the connector comprising:

- a cooperating tapered fitting; and

- a plurality of resilient, extending arms in operative attachment with the cooperating tapered fitting, each of the arms comprising at least one radially inward extending flange, a predetermined level of force being required to cause the radially inward extending flanges to form a cooperating connection with the at least one attachment member of the tapered fitting assembly.

In regards to claim 47, Lichte discloses a rearward surface of the radially inward extending flanges of the arms being sloped forward to cause the arms to flex radially outward when the connector is moved to contact the radially inward extending flanges of the arms with the attachment member of the tapered fitting assembly which comprises a radially outward extending flange.

In regards to claim 48, Lichte discloses a biasing member in operative connection with the cooperating tapered fitting to provide an axial force directed to maintain the tapered fitting assembly and the connector in engagement when the connector is engaged to the tapered fitting assembly.

In regards to claim 53, Lichte discloses a connector for use with a tapered fitting assembly having at least one attachment member, the connector comprising:

- a cooperating tapered fitting;

a cooperating attachment member operable to engage the attachment member of the tapered fitting assembly; and

at least one port in fluid connection with the cooperating tapered fitting; the cooperating attachment member comprising a plurality of extending arms, each of the arms comprising at least one radially inward extending attaching element, the connector further comprising a biasing member to provide axially oriented force directed to retain the tapered fitting assembly and the cooperating tapered fitting of the connector in sealing engagement.

In regards to claim 54, Lichte discloses the biasing member comprising at least one spring arm in operative connection with the cooperating tapered fitting.

In regards to claim 55, Lichte discloses the connector being formed from an integral piece of resilient polymeric material.

In regards to claim 56, Lichte discloses the connector being formed from an integral piece of resilient polymeric material.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

.amd

  
**Aaron Dunwoody**  
**Patent Examiner**  
**Technology Center 3670**